

AMENDED IN ASSEMBLY JUNE 24, 2015

AMENDED IN SENATE APRIL 15, 2015

AMENDED IN SENATE MARCH 19, 2015

SENATE BILL

No. 204

Introduced by Senator Pavley

February 11, 2015

An act to amend *Section 10110 of the Public Contract Code*, to amend Sections 513, 5001, *5002.2*, *5080.16*, and 5080.42 of, to add Sections 5001.2 and 5080.44 to, and to add and repeal ~~Sections 5002.25 and Section 5003.9~~ of, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Pavley. State parks.

Existing law establishes the Department of Parks and Recreation and vests the department with the control of the state park system.

This bill would require the Director of Parks and Recreation to promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations.

The bill would require the Department of Parks and Recreation, on or before December 1, 2016, to prepare a report to the Legislature that identifies the 10 projects within units of the state park system or on other property of the department that may provide the most significant greenhouse gas reductions.

Existing law requires the department to prepare a general plan or revise an existing plan, for a unit of the state park system following classification or reclassification of the unit by the State Park and

Recreation Commission, and prior to the development of any new facilities in any previously classified unit.

~~The California Environmental Quality Act (CEQA) requires a lead agency to prepare or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.~~

~~This bill would authorize a lead agency responsible for the environmental analysis and review under CEQA of a proposed park development project, until January 1, 2022, to conduct the analysis and review separately from the development and approval of the general plan for the unit, if the proposed project is contained in a management or development plan of the department prepared for that unit that is or was subject to environmental review under CEQA.~~

This bill would authorize the department to prepare a management or development plan that includes appropriate environmental review and analysis instead of preparing a general plan for park units in which minimal development may be proposed.

Existing law authorizes the Director of Parks and Recreation to negotiate or renegotiate a concession contract if specified conditions exist.

This bill would additionally authorize the director to negotiate or renegotiate a concession contract if the services provided pursuant to the contract will have minimal impact on state park resources, are inherently mobile or transitory in nature, and do not occupy a state-owned structure. The bill would also declare the intent of the Legislature that the department shall not compete with specified existing concession contracts.

Existing law, until January 1, 2019, authorizes the department to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit, or units, or portion of a unit, of the state park ~~system~~. *system, but authorizes the department to enter into an operating agreement that involves the operation of the entirety of a park unit only to avoid closure of a unit or units of the state park system that may otherwise be subject to closure.*

This bill would delete the repeal date of that provision, thereby extending its operation ~~indefinitely~~. *indefinitely, and would delete the above limitation on the department's authority to enter into an operating*

agreement that involves the operation of the entirety of a park unit. The bill would also authorize the department to accept donations of real property or money from public or private sources to be used for the purpose of funding park programs to benefit youth, as defined. The bill would authorize the department to enter into cooperative agreements with public or nonprofit organizations that serve youth, to provide service and learning opportunities for youth, as described. The bill would further declare the intent of the Legislature that the department shall not compete with specified existing concession contracts.

Existing law authorizes the Director of the Department of General Services to permit the department to carry out a project where the nature of work is historic preservation of the state park system. Existing law requires the department to solicit bids and award the project to the lowest responsible bidder or reject all bids, if the estimated total cost of the project exceeds \$25,000, except as provided.

This bill would increase the dollar threshold described above to the total estimated cost of the project exceeding \$750,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature that the
- 2 Department of Parks and Recreation not compete with existing
- 3 concession contracts through which comparable food and beverage
- 4 services are provided to the public.
- 5 SEC. 2. (a) The Legislature finds and declares all of the
- 6 following:
- 7 (1) Nearly 35,000 volunteers contribute their time and energy
- 8 to the Department of Parks and Recreation, thereby enhancing the
- 9 experiences of visitors, complementing the work of departmental
- 10 staff, and generating economic activity through their voluntary
- 11 efforts at state parks.
- 12 (2) The department estimates that volunteers contribute more
- 13 than 1,000,000 hours each year and generate nearly twenty-five
- 14 million dollars (\$25,000,000) in economic value to the local and
- 15 regional economies around state parks through these substantial
- 16 volunteer efforts.
- 17 (3) It is the department's existing practice to offer one or more
- 18 types of complimentary passes to the department's volunteers in

1 recognition of their value-added contributions. Those
2 complimentary passes should also be offered to the volunteers at
3 cooperating associations in recognition of the value-added services
4 they provide.

5 (b) It is the intent of the Legislature that the Department of Parks
6 and Recreation extend the existing policies for the issuance of
7 complimentary state park passes to persons who volunteer at state
8 parks through cooperating associations, as defined in Section 513
9 of the Public Resources Code, consistent with the California State
10 Government Volunteers Act set forth in Chapter 8.5 (commencing
11 with Section 3110) of Division 4 of Title 1 of the Government
12 Code.

13 *SEC. 3. Section 10110 of the Public Contract Code is amended*
14 *to read:*

15 10110. (a) Where the nature of the work is historic restoration
16 for the state park system, as determined jointly by the director and
17 the Director of Parks and Recreation, the department may authorize
18 the carrying out of the project directly by the Department of Parks
19 and Recreation.

20 If

21 (b) If the estimated total cost of any construction project or
22 work carried out under this section exceeds ~~twenty-five seven~~
23 ~~hundred fifty~~ thousand dollars ~~—(\$25,000)—~~ (\$750,000), the
24 Department of Parks and Recreation shall solicit bids in writing
25 and ~~shall~~ award the work to the lowest responsible bidder or reject
26 all bids. However, the director may authorize the Department of
27 Parks and Recreation to carry out work in excess of ~~twenty-five~~
28 ~~seven hundred fifty~~ thousand dollars ~~—(\$25,000)—~~ (\$750,000) under
29 the provisions of this section by day labor if the director
30 determines, in consultation with the Director of Parks and
31 Recreation, that the award of a contract, the acceptance of bids,
32 or the acceptance of further bids is not in the best interests of the
33 state. The Department of Parks and Recreation shall establish, by
34 regulation, criteria to be considered by the Department of Parks
35 and Recreation in requesting authorization from the director to
36 perform all or part of a project by day labor.

37 ~~SEC. 3.~~

38 *SEC. 4. Section 513 of the Public Resources Code is amended*
39 *to read:*

1 513. (a) The department, as a means of furthering the
2 interpretive and educational functions of the state park system,
3 may enter into an agreement to act cooperatively with a nonprofit
4 cooperating association engaged in educational or interpretive
5 work in a state park system unit, as the director may designate,
6 whereby the cooperating association would furnish educational
7 and interpretive materials, or educational and interpretive services,
8 or educational and interpretative materials and services, for sale
9 to the public.

10 (b) Pursuant to Article 1 (commencing with Section 5080.02)
11 of Chapter 1.2 of Division 5, a concession may provide materials
12 and services that are intended to add to the convenience, enjoyment,
13 and safety of state park system visitors. A concession may also
14 provide, pursuant to this section, educational and interpretive
15 materials and services, as described in paragraphs (2) and (3) of
16 subdivision (d), with the approval of the department.

17 (c) A cooperating association may provide, pursuant to this
18 section, noneducational and noninterpretive materials and services,
19 as described in paragraph (4) of subdivision (d), or other materials
20 or services that would enhance the visitor experience, as part of
21 its cooperating association program with the approval of the
22 department, if the department is unable to obtain, through a good
23 faith effort, a concessionaire to provide those materials and
24 services.

25 (d) For purposes of this section, the following definitions apply:

26 (1) “Cooperating association” means a corporation that meets
27 all of the following criteria:

28 (A) The corporation is a nonprofit public benefit corporation,
29 organized pursuant to Part 2 (commencing with Section 5110) of
30 Division 2 of Title 1 of the Corporations Code.

31 (B) The articles of incorporation of the corporation state that
32 the specific purpose of the corporation is to provide support for
33 educational and interpretive programs of the state park system, or
34 portions of the programs.

35 (C) The corporation has a cooperating association program
36 contract with the department.

37 (D) The corporation is in compliance with the department’s
38 policies and guidelines regarding cooperating associations and has
39 obtained the department’s approval for its educational and
40 interpretive materials and services.

(2) “Educational and interpretive materials” include items that promote visitor appreciation, understanding, and knowledge of natural, cultural, and historic resources of the state park system, including educational and interpretive gifts and souvenirs.

(3) “Educational and interpretive services” include those activities and programs that focus on natural, cultural, and historic resources of the state park system and are not generally offered by the department.

(4) “Educational and interpretive materials and services” do not include lodging, food service, horse and equipment rentals, camping supplies, gifts and souvenirs, other than those described in paragraph (2), transportation, except for equipment owned by the department, recreational lessons, and the operation of specialized facilities within a state park unit such as the theater at Hearst San Simeon State Historic Monument and Old Town San Diego State Historic Park, golf courses, and marinas.

(e) The department, at its discretion, may provide the services of department personnel and shall provide space, if available, for the sale of cooperating association materials, services, or both, within a state park unit.

(f) Subject to rules and regulations that the director shall adopt, all moneys collected by the cooperating association or received by the department from the sale of cooperating association materials, services, or both, provided by a cooperating association shall be retained by or returned to the cooperating association for use in the programs of the state park system unit that the cooperating association has been designated to serve.

~~SEC. 4.~~

SEC. 5. Section 5001 of the Public Resources Code is amended to read:

5001. (a) The Legislature finds and declares all of the following:

(1) California’s state parks are a true reflection of our state’s collective history, natural and cultural heritage, and ideals. The state parks can be models of healthy, natural, and sustainable ecosystems and they can also commemorate important cultural traditions or historic events. To remain relevant now and into the future, state parks must protect California’s heritage and be welcoming in order that visitors may understand and appreciate

1 these special places that have been set aside for their inspiration
2 and enjoyment.

3 (2) The state parks and other nature, recreation, and historic
4 areas deserve to be preserved and managed for the benefit and
5 inspiration of all state residents and visitors to the state parks. It
6 is the intent of the Legislature to clarify the priorities and
7 responsibilities of state agencies with respect to the management
8 and administration of the state park system.

9 (3) Individual units of the state park system derive increased
10 importance and recognition through their inclusion in a unified
11 state park system that is preserved and managed for the benefit
12 and inspiration of all Californians and visitors to the state.

13 (b) The Department of Parks and Recreation has control of the
14 state park system.

15 ~~SEC. 5.~~

16 *SEC. 6.* Section 5001.2 is added to the Public Resources Code,
17 to read:

18 5001.2. The director shall promote and regulate the use of the
19 state park system in a manner that conserves the scenery, natural
20 and historic resources, and wildlife in the individual units of the
21 system for the enjoyment of future generations.

22 ~~SEC. 6.~~ Section 5002.25 is added to the Public Resources Code,
23 to read:

24 ~~5002.25.~~ (a) ~~The Legislature finds and declares all of the~~
25 ~~following:~~

26 ~~(1) The development of general plans by the department is~~
27 ~~lagging far behind any reasonable schedule for completion, many~~
28 ~~existing general plans are outdated, and there is no practical ability~~
29 ~~of the department to complete its backlog of general plan~~
30 ~~development or to maintain the relevancy of adopted general plans~~
31 ~~in the future in the face of ever-changing circumstances.~~

32 ~~(2) The conditions described in paragraph (1) should not~~
33 ~~diminish the importance of long-range planning for state parks,~~
34 ~~reduce the opportunities for public input to the department for~~
35 ~~planning, management, or development efforts, or affect the review~~
36 ~~of proposed management or development, as required by all~~
37 ~~applicable laws or regulations.~~

38 ~~(3) An alternative approach to the general planning requirements~~
39 ~~of the department, that does not diminish public input into the~~
40 ~~operations of a state park unit or reduce in any way the evaluation~~

1 of a project that is subject to the California Environmental Quality
2 Act (Division 13 (commencing with Section 21000)) and any other
3 applicable law, should be tested on a trial basis in order to assess
4 its strengths and weaknesses.

5 ~~(4) A trial approach to general planning requirements, as~~
6 ~~described in paragraph (3), should be undertaken in park units~~
7 ~~where its use would contribute to a successful partnership~~
8 ~~arrangement with a cooperating association.~~

9 ~~(b) A lead agency responsible for the environmental analysis~~
10 ~~and review, pursuant to the California Environmental Quality Act~~
11 ~~(Division 13 (commencing with Section 21000)), of a proposed~~
12 ~~development project in a unit of the state park system may conduct~~
13 ~~the analysis and review separately from the development and~~
14 ~~approval of the general plan for the unit, if the proposed project~~
15 ~~is contained in a management or development plan of the~~
16 ~~department prepared for that unit that is or was subject to~~
17 ~~environmental review pursuant to the act.~~

18 ~~(c) This section shall remain in effect only until January 1, 2022,~~
19 ~~and as of that date is repealed, unless a later enacted statute, that~~
20 ~~is enacted before January 1, 2022, deletes or extends that date.~~

21 *SEC. 7. Section 5002.2 of the Public Resources Code is*
22 *amended to read:*

23 5002.2. (a) (1) Following classification or reclassification of
24 a unit by the State Park and Recreation Commission, and prior to
25 the development of any new facilities in any previously classified
26 unit, the department shall prepare a general plan or revise any
27 existing plan, ~~as the case may be,~~ for the unit.

28 The

29 (2) The general plan shall consist of elements that will evaluate
30 and define the proposed land uses, facilities, concessions, operation
31 of the unit, any environmental impacts, and the management of
32 resources, and shall serve as a guide for the future development,
33 management, and operation of the unit.

34 The

35 (3) The general plan constitutes a report on a project for the
36 purposes of Section 21100. The general plan for a unit shall be
37 submitted by the department to the State Park and Recreation
38 Commission for approval.

39 (b) The resource element of the general plan shall evaluate the
40 unit as a constituent of an ecological region and as a distinct

1 ecological entity, based upon historical and ecological research of
2 plant-animal and soil-geological relationships and shall contain a
3 declaration of purpose, setting forth specific long-range
4 management objectives for the unit consistent with the unit's
5 classification pursuant to Article 1.7 (commencing with Section
6 5019.50), and a declaration of resource management policy, setting
7 forth the precise actions and limitations required for the
8 achievement of the objectives established in the declaration of
9 purpose.

10 (c) ~~Notwithstanding the requirements of subdivision (a), the~~
11 department is not required to prepare a general plan for a unit that
12 has no general plan or to revise an existing plan, as the case may
13 be, if the only development contemplated by the department
14 consists of the repair, replacement, or rehabilitation of an existing
15 facility; the construction of a temporary facility, ~~so long as such~~
16 *if the* construction does not result in the permanent commitment
17 of a resource of the unit; any undertaking necessary for the
18 protection of public health or safety; or any emergency measure
19 necessary for the immediate protection of natural or cultural
20 resources; or any combination ~~thereof of these activities~~ at a single
21 unit. Any development is subject to the requirements of the
22 California Environmental Quality Act (Division 13 (commencing
23 with Section 21000)).

24 (d) ~~Any~~ A general plan approved prior to July 1, 1972, may be
25 used as the basis for development if the director finds that there
26 has been no significant change in the resources of the unit since
27 approval of the plan and that the plan is compatible with current
28 policies governing development of the unit and the classification
29 of the unit.

30 (e) Consistent with good planning and sound resource
31 management, the department shall, in discharging its
32 responsibilities under this section, attempt to make units of the
33 state park system accessible and usable by the general public at
34 the earliest opportunity.

35 (f) The department may prepare a general plan ~~which that~~
36 includes more than one unit of the state park system for units ~~which~~
37 *that* are in close proximity to one another and ~~which that~~ have
38 similar resources and recreational opportunities if that action will
39 facilitate the protection of public resources and public access to
40 units of the state park system.

1 (g) *Notwithstanding subdivision (a), the department may prepare*
2 *a management or development plan that includes appropriate*
3 *environmental review and analysis instead of a general plan for*
4 *park units in which minimal development may be proposed.*

5 ~~SEC. 7.~~

6 SEC. 8. Section 5003.9 is added to the Public Resources Code,
7 to read:

8 5003.9. (a) The Legislature finds and declares that the
9 department should identify its energy costs, projects that could
10 reduce those costs, and potential energy-related infrastructure
11 projects that may be eligible for funding from revenues that may
12 be generated pursuant to a market-based compliance mechanism
13 that may be adopted by the State Air Resources Board pursuant
14 to Part 5 (commencing with Section 38570) of Division 25.5 of
15 the Health and Safety Code.

16 (b) (1) On or before December 1, 2016, the department shall
17 prepare a report to the Legislature that identifies the 10 projects
18 within units of the state park system or other property of the
19 department that may provide the most significant greenhouse gas
20 reductions.

21 (2) The report required pursuant to paragraph (1) shall be
22 submitted in compliance with Section 9795 of the Government
23 Code.

24 (c) Pursuant to Section 10231.5 of the Government Code, this
25 section is repealed on January 1, 2021.

26 SEC. 9. *Section 5080.16 of the Public Resources Code is*
27 *amended to read:*

28 5080.16. If the director determines that it is ~~is-for~~ *in* the best
29 interests of the state, the director, upon giving notice to the State
30 Park and Recreation Commission, may negotiate or renegotiate a
31 contract, including terms and conditions, when one or more of the
32 following conditions exist:

33 (a) The bid process as prescribed in this article has failed to
34 produce a best responsible bidder.

35 (b) The negotiation or renegotiation would constitute an
36 extension of an existing contract obtained through the process
37 required by this article and the extended contract would provide
38 for substantial and additional concession facilities, which would
39 be constructed at the sole expense of the concessionaire and which

1 are set forth in the general plan for the unit and are needed to
2 accommodate existing or projected increased public usage.

3 (c) Lands in the state park system administered by the
4 department and lands under the legal control of the prospective
5 concessionaire are so situated that the concession is dependent
6 upon the use of those public and private lands for the physical or
7 economic success, or both, of the concession.

8 (d) Whenever a concession is desired for particular interpretive
9 purposes in a unit of the state park system and the prospective
10 concessionaire possesses special knowledge, experience, skills, or
11 ability appropriate to the particular interpretive purposes.

12 (e) Whenever the concession has been severely and adversely
13 impacted through no fault of the concessionaire by an unanticipated
14 calamity, park closure, major construction, or other harmful event
15 or action.

16 (f) Whenever the estimated administrative costs for the bid
17 process exceed the projected annual net rental revenue to the state.

18 (g) *The services provided pursuant to the contract will have*
19 *minimal impacts on state park resources, are inherently mobile*
20 *or transitory in nature, and do not occupy a state-owned structure.*
21 *Those services may include, but are not limited to, mobile food*
22 *and beverage services.*

23 ~~SEC. 8.~~

24 *SEC. 10.* Section 5080.42 of the Public Resources Code is
25 amended to read:

26 5080.42. (a) Notwithstanding any other provision of this
27 article, the department may enter into an operating agreement with
28 a qualified nonprofit organization for the development,
29 improvement, restoration, care, maintenance, administration, or
30 operation of a unit or units, or portion of a unit, of the state park
31 system, as agreed to by the director. ~~If the department enters into~~
32 ~~an operating agreement that involves the operation of the entirety~~
33 ~~of a park unit, that agreement may be entered into pursuant to this~~
34 ~~section only to the extent that the agreement would enable the~~
35 ~~department to avoid closure of a unit or units of the state park~~
36 ~~system that may otherwise be subject to closure.~~ The prohibition
37 on park closures, pursuant to subdivision (a) of Section 541.5, does
38 not limit the department's authority to enter into an operating
39 agreement pursuant to this section, as provided in subdivision (e)
40 of Section 541.5. The department may only enter into an operating

1 agreement that involves the operation of the entirety of a park unit
2 for no more than 20 park units. An operating agreement with a
3 qualified nonprofit organization shall include, but shall not be
4 limited to, the following conditions:

5 (1) The district superintendent for the department shall provide
6 liaison with the department, the nonprofit organization, and the
7 public.

8 (2) The nonprofit organization shall annually submit a written
9 report to the department regarding its operating activities during
10 the prior year and shall make copies of the report available to the
11 public upon request. The report shall be available on the Internet
12 Web sites of both the department and the nonprofit organization.
13 The report shall include a full accounting of all revenues and
14 expenditures for each unit of the state park system that the
15 nonprofit organization operates pursuant to an operating agreement.

16 (3) (A) Except as provided in subparagraph (B), all revenues
17 that the qualified nonprofit organization receives from a unit shall
18 be expended only for the care, maintenance, operation,
19 administration, improvement, or development of the unit. The
20 qualified nonprofit organization may additionally contribute in-kind
21 services and funds raised from outside entities for the care,
22 maintenance, operation, administration, improvement, or
23 development of the unit.

24 (B) If the qualified nonprofit organization determines that the
25 revenues it has received from a unit are in excess of the revenues
26 that are needed for the care, maintenance, operation, administration,
27 improvement, or development of that unit, and that these funds
28 are not already specified for or committed to specific purposes
29 pursuant to an existing agreement or contract restricting the use
30 of those funds, the qualified nonprofit organization may dedicate
31 those excess revenues to another state park unit for that unit's care,
32 maintenance, operation, administration, improvement, or
33 development.

34 (4) General Fund moneys shall not be provided to a nonprofit
35 organization to subsidize the operation or maintenance of a park
36 unit. This paragraph applies to state parks, the full operation of
37 which are turned over to a nonprofit organization, but does not
38 apply to or preclude the department from entering into agreements
39 with nonprofit organizations to operate a portion of a state park
40 unit, or from entering into comanagement agreements with

1 nonprofit organizations that involve the sharing of operational and
2 financial responsibilities for the park unit and that have the effect
3 of reducing state costs. This paragraph does not apply to park
4 entrance fees, concession revenues, or any other revenues generated
5 within a park operated by a nonprofit organization pursuant to this
6 section.

7 (b) An operating agreement entered into pursuant to subdivision
8 (a) shall honor the existing term of a current concession contract
9 for the state park unit subject to the operating agreement.

10 (c) An operating agreement entered into pursuant to subdivision
11 (a) shall specify the duties that the nonprofit organization shall be
12 responsible for carrying out relative to management and protection
13 of natural, historical, and cultural resources, and shall identify
14 those management duties that shall continue to be conducted by
15 the department, so that all core operations of the park are
16 delineated. Scientific, architectural, and engineering functions that
17 require special expertise or professional training shall only be
18 conducted by or under the supervision of qualified persons with
19 applicable expertise or training and subject to oversight by the
20 department.

21 (d) This section does not supersede the requirements of Section
22 5019.53 regarding the protection of natural, scenic, cultural, and
23 ecological values.

24 (e) The nonprofit organization and the district superintendent
25 for the department shall, following submittal of the annual report
26 pursuant to subdivision (a), hold a joint public meeting for
27 discussion of the report.

28 (f) If the department intends to enter into an operating agreement
29 for the development, improvement, restoration, care, maintenance,
30 administration, or operation of a unit or units, or a portion of a
31 unit, the department shall notify the Member of the Legislature in
32 whose district the unit is located, the Chair of the Senate Committee
33 on Natural Resources and Water, the Chair of the Assembly
34 Committee on Water, Parks, and Wildlife, and the chairs of the
35 Assembly and Senate budget committees of that intention. The
36 notification shall include estimated operating costs and revenues
37 and core duties and responsibilities that are likely to be assigned
38 to the nonprofit organization and the department.

39 (g) For purposes of this section, a qualified nonprofit
40 organization is an organization that is all of the following:

(1) An organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) An organization that has as its principal purpose and activity to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, provide interpretive and educational services, or provide direct protection or stewardship of natural, cultural, or historical lands, or resources.

(3) An organization that is in compliance with the Supervision of Trustees and Fundraisers for Charitable Purposes Act, Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(h) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide a report to the Legislature, on a biennial basis, of the status of operating agreements it has entered into pursuant to this section. The report shall include a list of units of the state park system with operating agreements, discussion of the management and operations of each unit subject to an operating agreement, an accounting of the revenues and expenditures incurred under each operating agreement, and an assessment of the benefit to the state from operating agreements entered into pursuant to this section.

(2) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

~~SEC. 9.~~

SEC. 11. Section 5080.44 is added to the Public Resources Code, to read:

5080.44. (a) The department may accept donations of ~~real property~~ or money from public or private sources to be used for the purpose of funding park programs to benefit youth, as described in subdivision (b).

(b) ~~The Notwithstanding Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code, the department may enter into cooperative agreements agreements, including agreements that involve the transfer of funds appropriated to the department,~~ with public or nonprofit organizations that serve youth to provide service and learning opportunities for young people by performing work on state park system programs and projects under the supervision of department employees, where the work is not being performed by state park

- 1 employees. Programs and projects covered under this subdivision
2 include all of the following:
- 3 (1) Restoring California's natural, historic, archaeological,
4 recreational, and scenic resources.
 - 5 (2) Training young people to be public land and resources
6 managers and stewards for careers in public service.
 - 7 (3) Undertaking appropriate cultural and natural resource
8 conservation in a cost-effective and appropriate manner.

O